

WEDNESDAY, MARCH 17, 2010

SIXTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Michael Nesbitt of Enon Chapel Missionary Baptist Church in Hartsville, Tennessee, a guest of Senator Beavers.

PLEDGE OF ALLEGIANCE

Senator Beavers led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

COMMUNICATIONS

March 11, 2010

Lt. Governor Ron Ramsey
1 Legislative Plaza
Nashville, TN 37243

Dear Lt. Governor Ramsey:

I will be unable to attend the Floor Session in the Senate on Wednesday (March 17) and Thursday (March 18) due to a family commitment.

Please excuse my absence and release this letter for the Senate Journal.

Respectfully,

/s/ Bill Ketron
State Senator (District 13)

APPROVED: Lieutenant Governor
Ron Ramsey

March 17, 2010

Honorable Ron Ramsey
Lieutenant Governor
State of Tennessee General Assembly
1 Legislative Plaza
Nashville, Tennessee 37243

Dear Governor Ramsey:

Due to a prior commitment, I will be absent from Session on Wednesday, March 17, 2010. Thank you for your assistance.

Sincerely,

/s/ Brian Kelsey
State Senate District 31

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2493, 2894 with amendment, 2923 with amendment, 2975, 3474 and 3671; and Senate Resolution No. 200 with amendment.

MCNALLY, Chairperson
March 16, 2010

The Speaker announced that he had referred Senate Bills Nos. 2493, 2894 with amendment, 2923 with amendment, 2975, 3474 and 3671; and Senate Resolution No. 200 with amendment to the Committee on Calendar.

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2180 with amendment, 2550, 3666 with amendment and 3854 with amendment.

SOUTHERLAND, Chairperson
March 16, 2010

The Speaker announced that he had referred Senate Bills Nos. 2180 with amendment, 2550, 3666 with amendment and 3854 with amendment to the Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 3586 with amendment and 3871; and House Joint Resolution No. 752; also, recommend that Senate Bills Nos. 2787, 2855,

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3416 with amendment and 3907; and House Joint Resolution No. 754 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson
March 16, 2010

The Speaker announced that he had referred Senate Bills Nos. 3586 with amendment and 3871; and House Joint Resolution No. 752 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2787, 2855, 3416 with amendment and 3907; and House Joint Resolution No. 754 to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 223, 2928 with amendment, 2977 with amendment, 3083, 3162, 3731 with amendment, 3817 with amendment and 3863.

JOHNSON, Chairperson
March 16, 2010

The Speaker announced that he had referred Senate Bills Nos. 223, 2928 with amendment, 2977 with amendment, 3083, 3162, 3731 with amendment, 3817 with amendment and 3863 to the Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 691 with amendment, 2796 with amendment, 2813 with amendment, 3002 with amendment, 3726 with amendment and 3362; and Senate Resolution No. 204; also, recommend that Senate Bills Nos. 2965 with amendment and 3158 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
March 16, 2010

The Speaker announced that he had referred Senate Bills Nos. 691 with amendment, 2796 with amendment, 2813 with amendment, 3002 with amendment, 3726 with amendment and 3362; and Senate Resolution No. 204 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2965 with amendment and 3158 to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 187, 1016, 2455, 2457, 2461, 2462, 2479, 2592, 2594, 2598, 2602, 2606, 2610, 2612, 2618, 2620, 2712, 2859, 2862, 3007, 3044, 3139, 3203, 3280, 3469, 3491, 3610, 3635, 3638, 3660, 3793, 3810, 3830 and 3836** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 187 -- Workers' Compensation -- As introduced, increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit. Amends TCA Title 13.

House Bill No. 1016 -- Sunset Laws -- As introduced, extends judicial council, June 30, 2017. Amends TCA Title 4, Chapter 29 and Title 16, Chapter 21.

House Bill No. 2455 -- Sunset Laws -- As introduced, extends state board for licensing contractors, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 6.

House Bill No. 2457 -- Sunset Laws -- As introduced, extends Tennessee bureau of investigation, June 30, 2014. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 6.

House Bill No. 2461 -- Sunset Laws -- As introduced, removes Watkins Institute commission from sunset law. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 50, Part 7.

House Bill No. 2462 -- Sunset Laws -- As introduced, extends Tennessee medical examiner advisory council, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 38, Chapter 7, Part 2.

House Bill No. 2479 -- Sunset Laws -- As introduced, extends Tennessee heritage conservation trust fund board of trustees, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 7.

House Bill No. 2592 -- Sunset Laws -- As introduced, extends the board of dietitian/nutritionist examiners, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 25, Part 1.

House Bill No. 2594 -- Sunset Laws -- As introduced, extends the board of examiners for nursing home administrators, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 16, Part 1.

House Bill No. 2598 -- Sunset Laws -- As introduced, extends board of pharmacy, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 10.

House Bill No. 2602 -- Sunset Laws -- As introduced, extends emergency medical services board, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 140.

House Bill No. 2606 -- Sunset Laws -- As introduced, extends the committee for clinical perfusionists, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 28.

House Bill No. 2610 -- Sunset Laws -- As introduced, extends the Tennessee medical laboratory board, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 29.

House Bill No. 2612 -- Sunset Laws -- As introduced, extends the Tennessee advisory committee for acupuncture, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6, Part 10.

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House Bill No. 2618 -- Sunset Laws -- As introduced, extends board of respiratory care, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 27.

House Bill No. 2620 -- Sunset Laws -- As introduced, extends the board of medical examiners, June 30, 2013. Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 6, Part 1.

House Bill No. 2712 -- Planning, Public -- As introduced, revises various provisions governing the organization, rules, appointment of director and staff, and disbursement of funds of municipal and regional planning commissions.

House Bill No. 2859 -- Sunset Laws -- As introduced, extends the department of environment and conservation, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3, Part 1.

House Bill No. 2862 -- Sunset Laws -- As introduced, extends the air pollution control board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1.

House Bill No. 3007 -- State Government -- As introduced, encourages economic efficiency in state government through utilization of innovative approaches and methodologies. Amends TCA Title 4.

House Bill No. 3044 -- Industrial Development -- As introduced, revises definition of "project" in industrial development corporation statute and authorizes certain assistance, including certain revenues, in cases involving a central business improvement district and an industrial development corporation. Amends TCA Title 7, Chapter 53.

House Bill No. 3139 -- Mental Retardation -- As introduced, changes references in several titles of Tennessee Code Annotated from "mental retardation" to "intellectual disability". Amends TCA Title 33; Title 39; Title 41 and Title 49.

House Bill No. 3203 -- Bankruptcy -- As introduced, increases the aggregate amount that a debtor can claim for a personal property exemption from \$4,000 to \$10,000 and absolutely exempts money received as a result of a federal earned income credit and federal child tax credit. Amends TCA Title 26.

House Bill No. 3280 -- DUI/DWI Offenses -- As introduced, broadens substances that may affect central nervous system for purposes of the prohibition against driving under the influence. Amends TCA Title 55, Chapter 10.

House Bill No. 3469 -- Alcoholic Beverages -- As introduced, adds Historic Rugby in Morgan County to the definition of premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Amends TCA Section 57-4-102.

House Bill No. 3491 -- Veterinarians -- As introduced, expands list of animal-related practices that are exempt from veterinarian licensure requirements. Amends TCA Title 63, Chapter 12.

House Bill No. 3610 -- Local Government, General -- As introduced, removes the requirement that the comptroller devise standard procedures to assist the county legislative body in the disposition of funds that are appropriated by the body for the financial aid of any nonprofit

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charitable organization, any chamber of commerce exempt from taxation, or any nonprofit civic organization, as authorized in present law. Amends TCA Section 5-9-109.

House Bill No. 3635 -- Alcoholic Beverages -- As introduced, removes Ober Gatlinburg and resort in Crab Orchard from definition of premier type tourist resort; removes one of the duplicated definitions of Nashville Shores. Amends TCA Section 57-4-102.

House Bill No. 3638 -- State Employees -- As introduced, directs that employees of the Board of Regents shall not elect whether to receive longevity pay by separate check until July 1, 2013. Amends TCA Section 8-23-206.

House Bill No. 3660 -- Highway Signs -- As introduced, "American Prisoners of War Pathway", Shelby Street Bridge in Nashville.

House Bill No. 3793 -- Public Records -- As introduced, designates as confidential the capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee venture capital network at the University of Tennessee, Knoxville. Amends TCA Section 10-7-504.

House Bill No. 3810 -- Interstate Compacts -- As introduced, clarifies that the governor may enter into civil defense and disaster compacts with the "states" instead of the "contiguous states"; and renames the emergency management assistance compact that the governor may enter into under present law from the "southern regional emergency management assistance compact" to the "emergency management assistance compact". Amends TCA Section 58-2-401 and Section 58-2-403.

House Bill No. 3830 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, removes language requiring that the Interstate Insurance Product Regulation Commission must terminate on June 30, 2009. Amends TCA Title 56, Chapter 58, Part 1.

House Bill No. 3836 -- Civil Service -- As introduced, removes the June 30, 2010, termination date for revisions to civil service provisions enacted by Chapter 1 of the Public Acts of 2009 to deal with a proposed reduction in workforce. Amends TCA Title 8, Chapter 30, Part 4.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3932 through 3935** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 3932 Local bill -- held on desk.

Senate Bill No. 3933 Local bill -- held on desk.

Senate Bill No. 3934 Local bill -- held on desk.

Senate Bill No. 3935 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 871 through 876** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 871 by Senator Black.
Memorials, Recognition -- Hendersonville VFW's Welcome Home Vietnam Veterans Day.

Senate Joint Resolution No. 872 by Senator Woodson.
Memorials, Recognition -- Ossoli Circle, 125th anniversary.

Senate Joint Resolution No. 873 by Senator Norris.
Memorials, Sports -- St. George's Independent School, boys' basketball state championship.

Senate Joint Resolution No. 874 by Senator McNally.
Memorials, Recognition -- Dr. Joel Cunningham.

Senate Joint Resolution No. 875 by Senator Haynes.
Naming and Designating -- Tennessee Department of Labor and Workforce Development building in Nashville, "Governor Phil Bredesen Building".

Senate Joint Resolution No. 876 by Senator Crowe.
Memorials, Recognition -- Russell D. Jamerson.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 746, 763 and 896 through 904; Senate Joint Resolutions Nos. 866 through 870; and Senate Resolution No. 205** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 746 -- General Assembly, Statement of Intent or Position -- Urges 911 call centers to accept text messages.

The Speaker announced that he had referred House Joint Resolution No. 746 to the Committee on State and Local Government.

House Joint Resolution No. 763 -- Naming and Designating -- "National Church School Day", June 6, 2010, and "Back to Church School Crusade Months", June 7 through July 31, 2010.

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The Speaker announced that he had referred House Joint Resolution No. 763 to the Committee on State and Local Government.

House Joint Resolution No. 896 -- Naming and Designating -- "NASCAR Day", May 21, 2010.

The Speaker announced that he had referred House Joint Resolution No. 896 to the Committee on State and Local Government.

House Joint Resolution No. 897 -- Memorials, Academic Achievement -- Lindsay Lenoir Matlock, Bryan College.

The Speaker announced that he had referred House Joint Resolution No. 897 to the Committee on Calendar.

House Joint Resolution No. 898 -- Memorials, Recognition -- Faith Promise Church, 15th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 898 to the Committee on Calendar.

House Joint Resolution No. 899 -- Memorials, Death -- Dr. Linkwood Williams.

The Speaker announced that he had referred House Joint Resolution No. 899 to the Committee on Calendar.

House Joint Resolution No. 900 -- Memorials, Sports -- Bobby "Bingo" Smith.

The Speaker announced that he had referred House Joint Resolution No. 900 to the Committee on Calendar.

House Joint Resolution No. 901 -- Memorials, Recognition -- Charlie Mae Walker, Queen of Orange Mound Community Center.

The Speaker announced that he had referred House Joint Resolution No. 901 to the Committee on Calendar.

House Joint Resolution No. 902 -- Memorials, Recognition -- Sammie Swanagan, Jr., King of Orange Mound Community Center.

The Speaker announced that he had referred House Joint Resolution No. 902 to the Committee on Calendar.

House Joint Resolution No. 903 -- Memorials, Death -- U.S. Naval Petty Officer 2nd Class Xin Qi.

The Speaker announced that he had referred House Joint Resolution No. 903 to the Committee on Calendar.

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House Joint Resolution No. 904 -- Memorials, Recognition -- Lee University, 2009 Presidential Award for General Community Service.

The Speaker announced that he had referred House Joint Resolution No. 904 to the Committee on Calendar.

Senate Joint Resolution No. 866 -- Memorials, Retirement -- James Parks Hitch, Jr., M.D.

The Speaker announced that he had referred Senate Joint Resolution No. 866 to the Committee on Calendar.

Senate Joint Resolution No. 867 -- Memorials, Recognition -- Ijams Nature Center, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 867 to the Committee on Calendar.

Senate Joint Resolution No. 868 -- Memorials, Recognition -- Battle Ground Academy, 121st anniversary, 75th anniversary of Tug of War.

The Speaker announced that he had referred Senate Joint Resolution No. 868 to the Committee on Calendar.

Senate Joint Resolution No. 869 -- Naming and Designating -- Names Tennessee Career Center in Murfreesboro in honor of Harold Shackelford.

The Speaker announced that he had referred Senate Joint Resolution No. 869 to the Committee on Calendar.

Senate Joint Resolution No. 870 -- Memorials, Public Service -- Reggie Mudd, Gallatin Chamber of Commerce Citizen of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 870 to the Committee on Calendar.

Senate Resolution No. 205 -- Memorials, Retirement -- Dile Brown.

The Speaker announced that he had referred Senate Resolution No. 205 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

March 15, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3522, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

March 15, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3877, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

March 15, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 219. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 851 -- Memorials, Recognition -- Little Debbie Snack Cakes, 50th anniversary.

Senate Joint Resolution No. 852 -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

Senate Joint Resolution No. 853 -- Memorials, Recognition -- Mt. Olive Baptist Church, 125th anniversary.

Senate Joint Resolution No. 854 -- Memorials, Recognition -- Volunteer Energy Cooperative, 75th anniversary.

Senate Joint Resolution No. 855 -- Memorials, Death -- Charles Henry Smart, Jr.

Senate Joint Resolution No. 856 -- Memorials, Public Service -- Jean Pollard.

Senate Joint Resolution No. 857 -- Memorials, Death -- John Stanley Wassom.

Senate Joint Resolution No. 858 -- Memorials, Public Service -- A. B. Freytag.

Senate Joint Resolution No. 859 -- Memorials, Death -- E. Edward Foland.

Senate Joint Resolution No. 861 -- Memorials, Recognition -- Anderson County Emergency Medical Services, 40th anniversary.

Senate Joint Resolution No. 862 -- Memorials, Recognition -- Recognizes the Duck River Watershed Association and The Nature Conservancy for their efforts to protect the Duck River.

Senate Resolution No. 203 -- Memorials, Death -- Charles William Lee, Sr.

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Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 3834 -- Health Care -- As introduced, removes the present law provisions that would repeal the Access Tennessee Act, the Cover Tennessee Act, and the CoverKids Act on June 30, 2010. Amends TCA Title 56, Chapter 7, and Title 71, Chapters 3 and 5.

Senate Joint Resolution No. 865 -- Memorials, Recognition -- Anthony Vervoordeldonk, Make-A-Wish child.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3579 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, authorizes reimbursement to an insured for services provided by a licensed marital and family therapist. Amends TCA Section 56-7-2401.

Senator Tracy declared Rule 13 on **Senate Bill No. 3579**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-2401(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Whenever any policy of insurance issued in this state provides for reimbursement for any service that is within the lawful scope of practice of a duly licensed optometrist, as defined in § 63-8-102; a licensed psychologist designated as a health service provider, as provided by Title 63, Chapter 11; licensed psychological examiner; certified psychological assistant supervised, as provided by Title 63, Chapter 11; licensed senior psychological examiner; a duly licensed podiatrist, as defined in § 63-3-101; a duly licensed independent practitioner of social work, as defined in § 63-23-103; a duly licensed marital and family therapist, as defined in § 63-22-115; or a duly licensed professional counselor, as defined in § 63-22-150, the insured or other person entitled to benefits under the policy shall be entitled to reimbursement for the services, whether the services are performed by a duly licensed physician; by a duly licensed optometrist; by a duly licensed podiatrist; by a duly licensed psychologist designated as a health service provider; by a duly licensed psychological examiner supervised, as provided by Title 63, Chapter 11; by a certified psychological assistant supervised, as provided by Title 63, Chapter 11; by a duly licensed senior psychological examiner; by a duly licensed independent practitioner of social work; by a duly licensed marital and family therapist; or by a duly licensed professional counselor, not to exceed the percentage of reimbursement provided for psychiatrists in the policy, notwithstanding any other provision in the policy.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3579**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 3904 -- Public Records -- As introduced, designates as confidential the capital plans, marketing information, proprietary information and trade secrets submitted to the Tennessee venture capital network at the University of Tennessee, Knoxville. Amends TCA Section 10-7-504.

On motion, Senate Bill No. 3904 was made to conform with **House Bill No. 3793**.

On motion, House Bill No. 3793, on same subject, was substituted for Senate Bill No. 3904.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3793** passed its third and final consideration by the following vote:

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Ayes 25
Noes 6

Senators voting aye were: Barnes, Berke, Black, Bunch, Burks, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, Norris, Overbey, Southerland, Stewart, Tate, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Beavers, Burchett, Gresham, McNally, Tracy and Watson--6.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 135** be placed on the Calendar for Wednesday, March 24, 2010, which motion prevailed.

Senate Bill No. 2850 -- Sunset Laws -- As introduced, extends the state election commission, June 30, 2012. Amends TCA Title 2, Chapter 11, Part 1 and Title 4, Chapter 29.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding the following language as a new subdivision thereto, as follows:

() State Election Commission, created by § 2-11-101;

On motion, Amendment No. 1 was adopted.

Senator Watson moved that **Senate Bill No. 2850**, as amended, be placed on the Calendar for Thursday, March 18, 2010, which motion prevailed.

Senate Bill No. 2860 -- Evidence -- As introduced, provides that evidence obtained by use of radar device cannot be used in evidence in any judicial or administrative proceeding to prove speed of vehicle unless the operator was certified to properly use the device by a recognized organization in the field. Amends TCA Title 24, Chapter 7; Title 38, Chapter 8 and Title 55, Chapter 8.

On motion, Senate Bill No. 2860 was made to conform with **House Bill No. 2769**.

On motion, House Bill No. 2769, on same subject, was substituted for Senate Bill No. 2860.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2769** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Mr. Speaker Ramsey moved that **Senate Bill No. 3602** be placed on the Calendar for Wednesday, March 24, 2010, which motion prevailed.

Senate Bill No. 2871 -- Death -- As introduced, recognizes a person authorized to direct disposition of the remains of a person in the military in the event of death as indicated on a DD Form 93 completed by military personnel as the proper person to make the decision in certain circumstances. Amends TCA Title 34, Chapter 6 and Title 68, Chapter 4.

On motion, Senate Bill No. 2871 was made to conform with **House Bill No. 2760**.

On motion, House Bill No. 2760, on same subject, was substituted for Senate Bill No. 2871.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2760** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Tate moved that **Senate Bill No. 3245** be rereferred to Committee on Government Operations, which motion prevailed.

Senate Bill No. 2466 -- Sunset Laws -- As introduced, extends sex offender treatment board, June 30, 2011. Amends TCA Title 4, Chapter 29 and Title 39, Chapter 13, Part 7.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 of the introduced bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-234(a), is amended by adding a new subdivision thereto, as follows:

() Sex offender treatment board, created by § 39-13-704;

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2466**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2843 -- Barbers -- As introduced, authorizes service animals and fish tanks in barber shops. Amends TCA Title 62, Chapter 3, Part 1.

On motion, Senate Bill No. 2843 was made to conform with **House Bill No. 2823**.

On motion, House Bill No. 2823, on same subject, was substituted for Senate Bill No. 2843.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2823** passed its third and final consideration by the following vote:

Ayes	30
Noes	1

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

Senate Bill No. 2983 -- Property -- As introduced, allows counties, municipalities, and the state to authorize community organizations the right to petition and enter upon property for the purpose of removing litter. Amends TCA Title 5, Chapter 1; Title 6, Chapter 54; Title 13, Chapter 21 and Title 13, Chapter 6, Part 1.

Senate Bill No. 2983 passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Berke, Black, Bunch, Burchett, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senator Finney moved that **Senate Bill No. 3203** be placed on the Calendar for Thursday, March 18, 2010, which motion prevailed.

Senate Bill No. 3296 -- Tort Liability and Reform -- As introduced, clarifies that the extension of Governmental Tort Liability Act to certain entities will apply to claims filed on or after July 1, 2003. Amends TCA Title 29, Chapter 20.

Senator Norris recused himself on **Senate Bill No. 3296**.

Senator Kyle recused himself on **Senate Bill No. 3296**.

Senator Finney declared Rule 13 on **Senate Bill No. 3296**.

Senator Haynes declared Rule 13 on **Senate Bill No. 3296**.

Senate Bill No. 3296 passed its third and final consideration by the following vote:

Ayes	27
Noes	1

Senators voting aye were: Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--27.

Senator voting no was: Berke--1.

A motion to reconsider was tabled.

Senate Bill No. 3430 -- Zoning -- As introduced, allows multifamily residential property to destroy present facilities and reconstruct new facilities even after a change in zoning. Amends TCA Title 13.

Senator Finney moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in the amendatory language in subdivision (2) of Section 1 of the bill "rebuilding shall occur which that acts to change" and substituting instead the language "rebuilding shall occur which acts to change".

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language to the end of subdivision (2) in Section 1 of the printed bill:

The buildings when reconstructed are not to exceed the original density at the time of the original construction and shall not violate the original building setbacks.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3430**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Berke, Black, Burchett, Burks, Crowe, Finney, Ford, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, McNally, Overbey, Southerland, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senator voting no was: Norris--1.

Senator present and not voting was: Marrero--1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2501 -- Consumer Protection -- As introduced, creates an offense, classified as a Class A misdemeanor, for intentionally concealing or misrepresenting the telephone number utilized by ADAD equipment. Amends TCA Title 47, Chapter 18, Part 15.

Senator Kyle declared Rule 13 on **Senate Bill No. 2501**.

HOUSE AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 15, is amended by adding the following language as a new, appropriately designated section:

§ 47-18-15__.

(a) It is an offense for any person to utilize any ADAD equipment to intentionally:

(1) Dial telephone numbers with area codes within the state;
and

(2) Conceal or misrepresent the telephone number utilized by the ADAD equipment on the call recipient's telephone or other equipment that is technically capable of displaying the number by:

(A) Displaying a telephone number other than the telephone number utilized by the ADAD equipment;

(B) Not displaying the telephone number utilized by the ADAD equipment; or

(C) Displaying an "unknown number" message or similar message instead of the telephone number utilized by the ADAD equipment.

(b) A violation of this section is a Class A misdemeanor punishable only by a fine not to exceed two thousand five hundred dollars (\$2,500) for each violation. For purposes of criminal liability, a court shall deem each call made in violation of this section as a separate offense.

(c) It shall not be a violation of this section to display a phone number, different from the phone number being utilized by the ADAD equipment, on behalf of a person if:

(1) The phone number displayed on behalf of the person has a Tennessee area code or is a toll-free number;

(2) The phone number displayed on behalf of the person is answered during regular business hours by a designated representative of such person; and

(3) The person's name is displayed along with the phone number described in subdivisions (1) and (2).

(d) The offenses described in this act shall not apply to a telecommunications, broadband, or voice-over-internet services provider acting solely as an intermediary for a transmission of telephone service between a caller and a recipient.

SECTION 2. This act shall take effect January 1, 2011, the public welfare requiring it.

Senator Haynes moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2501**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that the Proposed Schedule for the week of March 22, 2010, be adopted and made the action of the Senate, which motion prevailed.

WEDNESDAY, MARCH 17, 2010 -- 69TH LEGISLATIVE DAY

**TENNESSEE STATE SENATE
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF MARCH 22, 2010**

MONDAY – March 22

2:00 p.m. – 3:30 p.m.	Education Committee
3:30 p.m. – 5:00 p.m.	Commerce, Labor & Agriculture Committee
5:00 p.m.	Session – Senate Chamber

TUESDAY – March 23

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m.	Transportation Committee
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Commerce, Labor & Agriculture Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – March 24

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	State & Local Government Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 2:30 p.m.	Education Committee
2:30 p.m. – 3:30 p.m.	Government Operations Committee
3:30 p.m. – 5:00 p.m.	General Welfare, Health & Human Resources Committee

THURSDAY – March 25

9:00 a.m.	Session – Senate Chamber
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NOTE: Council on Pensions and Insurance, Monday, March 22, 2010, at 1:00 p.m., Room 29 LP.

Select Committee on Children and Youth, Monday, March 22, 2010, at 1:00 p.m., Room 31 LP.

Pre-Commerce Meeting, Tuesday, March 23, 2010, at 7:30 a.m., Room 12 LP.

MOTION

Senator Norris moved that Rule 83(8) be suspended for the purpose of allowing the Committee on Education and the Committee on Commerce, Labor and Agriculture to meet on Monday, March 22, 2010, to consider all bills previously scheduled for such committees on Tuesday, March 23, 2010, and Wednesday, March 24, 2010, which motion prevailed.

MOTION

On motion of Senators Henry, Marrero, Overbey, Berke and Herron, their names were added as sponsors of **Senate Joint Resolution No. 851**.

On motion of Senator Yager, his name was added as sponsor of **Senate Joint Resolution No. 852**.

On motion of Senators Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 862**.

On motion of Senators Marrero and Ford, their names were added as sponsors of **Senate Bill No. 3834**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2501**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 3579**.

On motion of Senators Overbey, Herron and Marrero, their names were added as sponsors of **Senate Bill No. 2871**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Bill No. 3203**.

On motion of Senator Black, her name was added as sponsor of **Senate Bills Nos. 2659 and 3027**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Bill No. 2488**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 2804**.

On motion of Senators Haynes and Johnson, their names were added as sponsors of **Senate Bill No. 2903**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Resolution No. 204**.

On motion of Senators Faulk, Southerland, Norris, Watson, Tracy, Yager, Gresham, Woodson and Crowe, their names were added as sponsors of **Senate Bill No. 2965**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bill No. 3416**.

On motion of Senator Barnes, his name was added as sponsor of **Senate Joint Resolution No. 787; and House Joint Resolutions Nos. 882 and 883**.

ENGROSSED BILLS

March 17, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2466, 2983, 3296, 3430, 3579 and 3834; and Senate Joint Resolutions

WEDNESDAY, MARCH 17, 2010 -- 69TH LEGISLATIVE DAY

Nos. 851, 852, 853, 854, 855, 856, 857, 858, 859, 861, 862 and 865; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 17, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 2501, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

March 17, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 203, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

SIGNED

March 17, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 2410, 2420, 2422, 2423, 2435, 2437, 2438, 2439, 2442, 2446, 2448, 2450, 2452, 2454, 2460, 2470, 2501, 2556, 2803, 2836, 2950, 2952, 2953, 2954, 3130, 3131, 3512, 3553, 3713 and 3840.

SIGNED

March 17, 2010

The Speaker announced that he had signed the following: Senate Resolution No. 203.

SIGNED

March 17, 2010

The Speaker announced that he had signed the following: House Bills Nos. 1914, 2581, 2870, 3354, 3831 and 3849.

REPORT OF CHIEF ENGROSSING CLERK

March 17, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2846, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

WEDNESDAY, MARCH 17, 2010 -- 69TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

March 17, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1294, 2578, 2649, 2681, 2720, 3045, 3046, 3057, 3578, 3853 and 3872; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, March 18, 2010, which motion prevailed.